

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

Jennifer Artesi	)	
	)	
v.	)	Civil Action No.: 1:19-CV-00214-AJ
	)	
DeMoulas Super Markets, Inc. d/b/a	)	
Market Basket, and	)	
Dennis Labatte	)	

**JOINT ASSENTED-TO MOTION FOR MISCELLANEOUS RELIEF**

NOW COME the PARTIES, by and through their attorneys and submit this Joint Assented-to Motion for miscellaneous relief and to extend certain deadlines, without altering the existing trial date. In support of their Motion, the Parties state as follows:

1. Discovery was scheduled to close on February 1, 2020 pursuant to the Court's modification of the joint discovery plan.
2. Plaintiff was deposed on November 7, 2019.
3. Summary judgment motions were due prior to the close of discovery and were filed by the Defendants on December 30, 2019.<sup>1</sup>
4. Plaintiffs filed their objection to the motion on February 10, 2020 (by extension requested and granted).
5. Defendants' reply brief is therefore due February 18, 2020 and Plaintiff's surreply will be due on or before February 23, 2020 (or by February 24<sup>th</sup> due to the Sunday filing deadline).

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<sup>1</sup> The original due date per court order was December 23, 2019. Defendants filed for and were granted an extension to file on December 30, 2019 due to the need for the deposition transcript of the Plaintiff.

6. Depositions of the Defendants were requested in January 2020. Although requested before the close of discovery, due to both counsel's schedule (as well as the number of witnesses requested--9), the dates for Defendants' witnesses' depositions could not be scheduled until February 24<sup>th</sup> and 25<sup>th</sup>, 2020. Eight are currently scheduled. One witness could not be scheduled due to the fact that he is believed to currently reside out of state and may need to be deposed via video.
7. The parties therefore require slight modifications to the discovery plan as well as the deadlines for reply and surreply briefs.
8. The parties respectfully request that the Court grant the following:
  - Extend the time for Defendants to file their reply brief by three days from February 18, 2020 to February 21, 2020; and
  - Extend the time for Plaintiff to file her surreply brief from February 23, 2020 to March 2, 2020 (a date after the depositions of Defendants' witnesses); and
  - Permit the parties to take the depositions of the Defendants' witnesses on February 24 and 25, 2020 as currently scheduled which is outside the existing discovery deadline of February 1, 2020;<sup>2</sup> and
  - Permit the Plaintiff to take one additional deposition of a defense witness who, while originally requested to be deposed with the eight currently scheduled, due to current residence may need to be scheduled by video.
9. These requested extensions/modifications will not affect the trial date; nor is modification of the trial date sought in this motion.

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<sup>2</sup> Counsel did not think that a new Civil Form 3 would be required with this motion as they are not seeking to enlarge the discovery date; rather only to take certain depositions beyond the close of discovery which they are agreeable to doing. Should the Court require a new Civil Form 3, counsel will promptly file same.

10. Both counsel have conferred and are jointly requesting the relief requested in this motion.

11. A memo of law is not required as the Court has the discretion to grant the relief requested.

WHEREFORE, the Parties respectfully requests that the Honorable Court:

- A. Issue an order granting the request set forth in Paragraph 8 above; and
- B. Grant such other and further relief as this Court deems just and equitable.

Respectfully submitted,

DeMoulas Super Markets, Inc.  
and  
Dennis Labatte

By their Attorneys,  
MAGGIOTTO, FRIEDMAN, FEENEY & FRAAS, PLLC

Dated: February 14, 2020

By: /s/ Dona Feeney  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served through the court's ECF filing system on Leslie H. Johnson, Esq.

/s/ *Dona Feeney*  
Dona Feeney, Esq.